

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : George Heavner, Jill Giles-Komar, Linda Snyder and Mohit Trikha
Patent No.: 7,288,390 Issued: October 30, 2007
Application No.: 09/920,267 Filed: August 1, 2001
Title: ANTI-DUAL INTEGRIN ANTIBODIES, COMPOSITIONS, METHODS
AND USES

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
Office of Patent Publication
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 35 U.S.C. § 254, we hereby request that a Certificate of Correction be issued for the above-referenced U.S. Letters Patent to correct errors as shown below:

Erroneous Sequence Listing

Column 69, line 20 to Column 79, line 18: cancel the Sequence Listing beginning with “(1) GENERAL INFORMATION:” and ending with “Leu” in column 79, line 18, and insert the following Sequence Listing:

[see enclosed Certificate of Correction]

The sequence listing published with Patent No. 7,288,390, column 69, line 20 – column 79, line 18, is erroneous and completely different from the sequence listing submitted by Patentees. Patentees never submitted the published sequence listing during the prosecution of Application No. 09/920,267 (now issued U.S. Patent No. 7,288,390).

Patentees amended the sequence listing for Application No. 09/920,267 four times during the course of the prosecution in response to Notices that the computer readable form did not comply with requirements of 37 CFR §1.822 and/or §1.823. All Notices regarded errors in the computer readable form related to misaligned amino acid numbering, not to the substance of the sequences themselves. Patentees last submitted the correct sequence listing as a paper copy and a copy in computer readable form on June 5, 2003. Copies of the submitted sequence listing and transmittal letter, all bearing a Patent & Trademark Office receipt stamp dated June 5, 2003, are

enclosed. The submission included Patentees' statement that each computer readable form submitted is the same as the sequence listing to which it is indicated to relate and that the submission contained no new matter. Patentees subsequently did not amend the sequence listing, nor did they submit a substitute sequence listing.

The sequence listing as submitted by the Patentees on June 5, 2003 is available on the Patent Application Information Retrieval (PAIR) system, where it is labeled as Version 4.0. The Office subsequently edited the sequence listing submitted by the Patentees (available as Version 4.1 on PAIR). The Certificate of Correction attached to this Request was prepared using Version 4.1 of the sequence listing.

Patentees believe that the publication of the erroneous sequence listing with U.S. Patent No. 7,288,390 is a mistake of the U.S. Patent and Trademark Office. Independent Claims 1 and 6 are directed to the sequences. Patentees respectfully request that the published sequence listing be corrected.

Error in Claim 1

Claim 1, Column 79, line 25, delete "or" and insert --and--.

With the above correction, Claim 1 reads:

1. An isolated nucleic acid encoding an isolated mammalian anti-dual integrin antibody comprising (i) all of the heavy chain CDR amino acid sequences of SEQ ID NOS:1, 2, and 3; and (ii) all of the light chain CDR amino acids sequences of SEQ ID NOS:4, 5, and 6.

This is a request to correct an error made by the U.S. Patent and Trademark Office in an amended claim. Claim 1 (formerly Claim 24) was amended in an Amendment and Response to Restriction Requirement filed August 15, 2006. A copy of the submitted Amendment and Response is enclosed. Although the deletions and additions to the claim were properly indicated by strikeout and underline, and parts of the deletions and additions were entered, the deletion and addition of the above-referenced words ("or" and "and", respectively) were not entered.

Patentees subsequently presented the amended claim (formerly Claim 24) with the proper wording on page 2 of the Amendment dated November 2, 2006. A copy of this submitted Amendment is enclosed. Furthermore, the Examiner clearly indicated the proper wording of the

amended claim in the "Reasons for Allowance" section on page 2 of the Notice of Allowance dated June 14, 2007, stating:

"The prior art reference [sic] cited on the IDS, filed 4/26/07, do not teach or suggest the [sic] isolated nucleic acid encoding an isolated mammalian anti-dual integrin antibody comprising (i) all of the heavy chain CDR amino acid sequences of SEQ ID NOS:1, 2, and 3; and (ii) all of the light chain CDR amino acids sequences of SEQ ID NOS:4, 5, and 6."

A copy of this Notice of Allowance is enclosed.

Error in Claim 3

Claim 3, Column 79, line 29, insert --vector-- between "acid" and "according".

With the above correction, Claim 3 reads:

3. A prokaryotic or eukaryotic host cell comprising an isolated nucleic acid vector according to claim 2.

This is a request to correct an error made by the U.S. Patent and Trademark Office in an amended claim. Claim 3 (formerly Claim 26) was amended in the Amendment filed November 2, 2006. As noted above, a copy of this submitted Amendment is enclosed herewith. Although the deletion and additions to the claim were properly indicated by brackets and underline as shown on page 2 of the Amendment, the addition of the word --vector-- was not entered.

Error in Claim 9

Pursuant to 35 U.S.C. § 255, Patentees hereby request a Certificate of Correction be issued for the above-referenced U.S. Letters Patent to correct an error as shown below.

Claim 9, Column 80, line 26, delete "293," before "HeLa".

With the above correction, Claim 9 reads:

9. A host cell according to claim 8, wherein said host cell is at least one selected from COS-1, COS-7, HEK293, BHK21, CHO, BSC-1, Hep G2, P3X63Ag8.653, SP2/0, HeLa, myeloma, or lymphoma cells.

This is a request to correct an inadvertent typographical or clerical error in an amended claim. Claim 9 (formerly Claim 105) was amended in the Amendment filed November 2, 2006. As noted above, a copy of this submitted Amendment is enclosed herewith. In the "Remarks"

section on page 5 of the Amendment, Applicant stated that “[c]laims 27 and 105 have been amended to . . . eliminate the language objected to by the Examiner.” The “language objected to by the Examiner” refers to the recitation of the term “293” in claims 27 and 105. (See page 2, paragraph 6 of the Office Action mailed October 16, 2006, a copy of which was submitted with the Amendment and is also enclosed herewith.) Applicant properly indicated the deletion of the term “293” using strikeout in Claim 27 (now claim 4) as shown on page 3 of the Amendment. Due to an inadvertent typographical or clerical error, however, Applicant failed to indicate the deletion of the term “293” in Claim 105 as shown on page 3 of the Amendment.

The proposed correction to Claim 9, *i.e.*, deletion of the term “293” from a list of terms denoting cells or cell lines, does not broaden the scope of the claim. The correction does not involve changes which would constitute new matter or which would require reexamination.

A Certificate of Correction is enclosed herewith. Patentees agree to pay the required fee. Please charge Deposit Account No. 10-0750/CEN249/KD in the name of Johnson & Johnson for the cost of the required fee. Please also charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CEN249/KD. If this submission is in paper form, a copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

/Kenneth J. Dow/
Kenneth J. Dow
Registration No.: 32,890
Attorney for Patentees

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(610) 651-7422
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